

PCT/P

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## BOX MISSING PARTS

PATENT  
147-215P

## IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: NEUHAUS, Ekkehard et al. Conf.: unassigned  
 Appl. No.: 09/674,768 Group: unassigned  
 Filed: November 6, 2000 Examiner: UNASSIGNED  
 For: TRANSGENIC PLANTS WITH A MODIFIED  
 ACTIVITY OF A PLASTIDIAL ADP/ATP

## THIS IS NOT A NEW PATENT APPLICATION

LETTER SUBMITTING DOCUMENTS  
 FOR COMPLETION OF AN APPLICATION  
PURSUANT TO 37 C.F.R. § 1.53(f) and/or § 1.53(d)

## BOX MISSING PARTS

Assistant Commissioner for Patents  
 Washington, DC 20231

February 16, 2001

Sir:

The application papers for the above-identified application were originally filed on November 6, 2000 and the application was assigned Appl. No. 09/674,768.

02/27/2001 LLANDGRA 00000034 09674768

01 FC:115

110.00 OP

## DOCUMENTATION

Repln. Ref: 02/27/2001 LLANDGRA 00000034 09674768  
 DA#022448 Name/Number:09674768  
 FC: 704 \$130.00 CR

attached hereto is the executed Declaration of the inventor(s) ( original  photocopy), necessary for completing the filing requirements in connection with the above-identified application.

Under the provisions of 37 C.F.R. §§ 1.41(c) and 1.53(f), attached hereto is the executed Declaration that was attached to the specification at the time of execution. The attached specification is a true copy of the specification that was

filed in the U.S. Patent and Trademark office on November 6, 2000, including any amendments thereto (if applicable) filed on even date therewith.

- The undersigned hereby declares that "Attorney Docket No. 147-215P on page 1 of the attached inventors' Declaration, corresponds to Appl. No. 09/674,768, filed November 6, 2000, entitled "TRANSGENIC PLANTS WITH A MODIFIED ACTIVITY OF A PLASTIDIAL ADP/ATP."
- Attached are \_\_\_\_\_ ( ) sheet(s) of formal drawings.
- Attached is a copy of the Notice to File Missing Parts of Nonprovisional Application.
- Attached is an English language translation of the above-identified application that was filed in a foreign language.
  - See the attached Translator's Verification; or
  - The undersigned states that the English translation attached hereto is a true and correct translation of the application as originally filed in a foreign language.
- Applicant claims small entity status under 37 C.F.R. § 1.27.
- Submitted concurrently herewith **under separate cover** for recording is an Assignment.

**FEES**

The Government Filing Surcharge(s) (37 C.F.R. § 1.16(e) and/or § 1.17(k)) and the basic Government Filing Fee(s) (37 C.F.R. § 1.16(a)-(d), if applicable) is/are attached hereto and calculated as follows:

- Basic Filing Fee(s): \$0.00 (37 C.F.R. § 1.16(a)-(d))
- The Government Filing Surcharge under 35 U.S.C. § 1.16(e) for late filing of filing fee, oath and/or declaration:
  - Large Entity - \$130.00
  - Small Entity - \$ 65.00)
- The Government Filing Surcharge under 37 C.F.R. § 1.17(k) for filing of translation of non-English Specification in the amount of \$130.00:
  - was previously paid for concurrently with the filing of the application on .
  - is attached hereto.
- No extension fee is required because the undersigned has not yet received the Notice to File Missing Parts of Nonprovisional Application. However, if for some reason it is determined that an extension of time is necessary, applicant hereby respectfully petitions for an extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17.
- Applicant hereby respectfully petitions for a one (1) month(s) extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17. The required fee of \$110.00 is attached hereto.

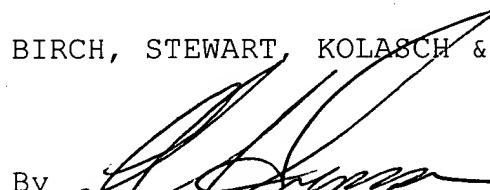
A check in the amount of \$240.00 to cover the basic filing fee(s), surcharge fee(s), and any extension of time fees (if applicable) is enclosed.

Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this transmittal form is enclosed.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Leonard R. Svensson, #30,330

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LRS/clh  
147-215P

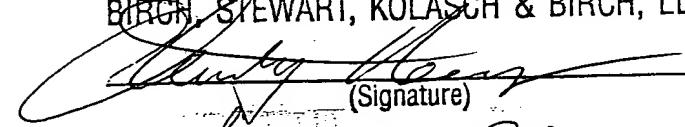
Attachments

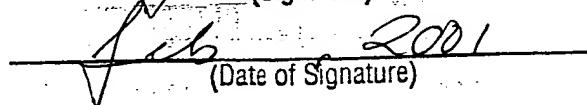
(Rev. 01/22/01)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope to: Commissioner of Patents and Trademarks, Washington

D.C. 20231 on: 2-16-01  
(Date of deposit)

BIRCH, STEWART, KOLASCH & BIRCH, LLP

  
(Signature)

  
(Date of Signature)

M OFFICE



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO.	09/674768	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
BIRCH STEWART KOLASCH & BIRCH 8110 GATEHOUSE ROAD SUITE 500 EAST FALLS CHURCH, VA 22042		E	0147-0215P
		INTERNATIONAL APPLICATION NO.	
		PCT/EP99/03292	
		I.A. FILING DATE	PRIORITY DATE
		12 MAY 99	13 MAY 98
		DATE MAILED:	16 JAN 2001

NEUHAUS  
FEB 23 2001  
PATENT & TRADEMARK OFFICE

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

a Designated Office (37 CFR 1.494).  
 an Elected Office (37 CFR 1.495):  
 U.S. Basic National Fee.  
 Copy of the international application in:  
 a non-English language.  
 English.  
 Translation of the international application into English.  
 Oath or Declaration of inventors(s) for DO/EO/US.  
 Copy of Article 19 amendments.  
 Translation of Article 19 amendments into English.  
 The International Preliminary Examination Report in English and its Annexes, if any.  
 Translation of Annexes to the International Preliminary Examination Report into English.  
 Preliminary amendment(s) filed 11/06/00 and \_\_\_\_\_.  
 Information Disclosure Statement(s) filed 11/06/00 and \_\_\_\_\_.  
 Assignment document.  
 Power of Attorney and/or Change of Address.  
 Substitute specification filed \_\_\_\_\_.  
 Verified Statement Claiming Small Entity Status.  
 Priority Document.  
 Copy of the International Search Report  and copies of the references cited therein.  
 Other: DNA Diskette/Sequence

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2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
 The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.  
 b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).  
 c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.  
 The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.  
 d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY  21 OR  31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.  
5.  The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR. 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

***A copy of this notice MUST be returned with this response.***

Enclosed:

PCT/DO/EO/917  
 PTO-875

Notice of Defective Translation

Barbara A. Campbell

Telephone: 703-305-3631

FORM PCT/DO/EO/905 (December 1997)